

BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHER ZONE)

AT CHENNAI

(Special Original Jurisdiction)

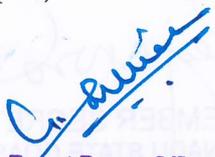
Appeal No. 55 of 2021 (SZ)

A.Anthony Raj Williams
S/o Anthony,
No. 7, 8th Cross Street,
Anna Nagar, Chennai – 600 040

... Applicant(s)

Versus

1. The Ministry of Environment,
Forest and Climate Change,
Rep by its Secretary,
Indira Paryavaran Bhavan,
Jorbagh Road New Delhi- 110 003.
 2. The District Collector,
Collector Office Rd, Moovendar Nagar,
Villupuram, Tamil Nadu – 605602
 3. The Member Secretary,
Tamil Nadu Coastal Zone Management Authority,
Panagal Building,
Saidapet, Chennai – 15
 4. The Assistant Director of Town and Country Planning,
Villupuram Region,
TADCO Building G.H Road,
Villupuram – 605602
 5. The Managing Director,
D.S.Properties,
AP 2261, H- Block,
10th Street, Kathiravan Colony,
Anna Nagar West, Chennai – 600040.
 6. The Managing Director,
Indira Projects and Developments (T) Pvt. Ltd,
No.116/1, Anna Salai (Behind IDBI Bank),
Saidapet, Chennai – 15
- Respondents


Forest Range Officer,
Green Squad,
Department of Environment
Chennai - 600 015.


MEMBER SECRETARY,
TAMIL NADU STATE COASTAL ZONE
MANAGEMENT AUTHORITY,
CHENNAI - 600 015.

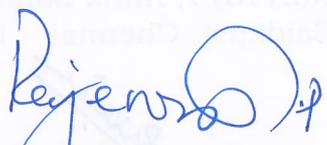
.2.

ADDITIONAL REPLY AFFIDAVIT FILED BY THE 3rd RESPONDENT

I, P.Rajeswari , I.F.S, W/o B.Singaiyah about 57 years and having office at Ground Floor, Panagal Buildings, Saidapet, Chennai – 600 015 solemnly affirm and sincerely state as follows.

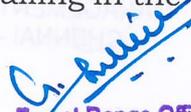
1. I humbly submit that I am the Director, Department of Environment and also the Member Secretary, Tamil Nadu State Coastal Zone Management Authority and I am well acquainted with the facts of the case from the records available and I am filing this reply in my official capacity on behalf of 3rd respondent.
2. I humbly submit that I have gone through the averments contained in the affidavit filed by the Applicant and I deny all the averments except those that are specifically admitted herein and the Applicant is put to strict proof of the same.
3. I humbly submit that M/s. DS Properties, Chennai.40 have sent a proposal for the proposed Doctor's Beach Project of Residential Plots in S.F.Nos. at S.No. 106/2, 106/3, 106/4, 106/5, 106/6, 108/1, 108/2A(p), 108/2B, 108/2C1(p), 108/2C2, 109/1, 109/2, 109/3(p), 109/4, 110/1(p), 110/2(p), 110/3, 110/4, 110/5, 111/1, 111/2, 111/3 and 111/4 at Marakkanam North Village (Thalangadu Village), Marakkanam Taluk, Villupuram district.
4. I humbly submit that the DCZMA of Villupuram have indicated that the project proponent has proposed to develop 545 Nos. of housing plots for residential purposes. The entire layout is on the landward side of the existing earthen burial ground road available for public use, connecting the Vasavankuppam Village and burial ground of Vasavankuppam Village.

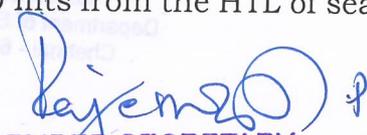

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5. I humbly submit that the project area at S.Nos. 108/1, 108/2A(p), 108/2B, 108/2C1(p), 108/2C2, 109/1, 109/2, 109/3(p), 109/4, 110/1(p), 110/2(p), 110/3, 110/4 and 110/5 is falling in CRZ-II comprising in 1,01,625 Sq.mts. and the area at S.Nos. 106/2, 106/3(p), 106/4, 106/5, 106/6, 108/2A(pt), 108/2C1(pt), 109/3 (pt), 110/1(pt), 111/1(p), 111/2, 111/3 & 111/4 is falling outside CRZ. The plots area various between 85 sq.mtr and 434 sq.mtr.
6. I humbly submit that the DCZMA for Villupuram District has recommended the project in their meeting held on 21.02.2019 to the SCZMA with the following conditions.
- a) The project proponent shall obtain Layout Plan approval from DTCP after getting CRZ Clearance.
 - b) The Unit shall provide adequate common sewage treatment plant along with conveyance arrangements to transport sewage from residence to sewage treatment plant for the treatment and disposal of sewage generated from the residential houses and the treated sewage is utilized for gardening purposes.
 - c) The unit shall provide solid waste management disposal facility for the collection, transportation, treatment and disposal of Municipal Solid waste generated from the residential houses in scientific manner.
 - d) The unit shall ensure that there shall not be any discharge of treated / untreated sewage and municipal solid waste into outside of the premises and nearby sea.
7. I humbly submit that the proposal was placed before the 104th meeting of the Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) held on 27.02.2019 and 105th meeting held on 21.05.2019 and the Authority have resolved to request the applicant to furnish the details of plots falling in the CRZ-II areas (i.e, from 0 to 500 mts from the HTL of sea)


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and Outside CRZ areas, duly superimposing in the HTL demarcation map. The Authority further resolved to issue NOC, in respect of the plots, which are falling in Non-CRZ areas, the DTCP shall issue approval duly following the Town and Country Planning rules and regulations. The applicant has submitted the HTL demarcation map, vide reference 5th cited and requested NoC for non-CRZ areas. Accordingly, No Objection has been issued in letter dated 11.07.2019, to issue planning permission, in respect of the plots, which are falling outside CRZ areas, as per the HTL demarcation map issued by the Institute of Remote Sensing, Anna University, Chennai.25 in the reference No.AU/IRS/SSR/216-2018 dated 14.12.2018.

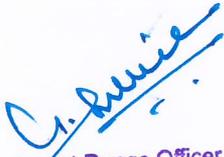
8. I humbly submit that the applicant has requested to issue Clearance for the layout which is falling in CRZ areas.
9. I humbly submit that as per CRZ Notification 2011, vide para 8 (i) II CRZ II (i) & (ii), construction of buildings for residential purposes is permissible activities only on the landward side of the existing road or on the landward side of the existing authorized structures and the buildings permitted shall be subject to the local town and country planning regulations as applicable from time to time except the FSI, which shall be per 1991 level.
10. I humbly submit that the proposal was placed before the 106th meeting of the Tamil Nadu State Coastal Zone Management Authority held on 25.07.2019 and the Authority resolved to Clear the proposal.
11. I humbly submit that as resolved in the 106th meeting of the Tamil Nadu State Coastal Zone Management Authority held on 25.07.2019, Clearance is hereby issued under para 8 (i) II, CRZ II (i), (ii) & (iii) of CRZ Notification 2011 for the above project, subject to the following specific conditions.


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.5.

- a) Prior Planning permission should be obtained for the proposed constructions, if any, from the local authorities concerned and the proposed constructions should satisfy the local Town and Country Planning regulations and para 8 (i) II CRZ II (i) (ii) & (iii) of CRZ Notification 2011. The FSI/FAR should be as on 19.02.1991.
- b) There should not be any ground water extraction in CRZ.
- c) Proper arrangements should be made for the disposal of solid wastes generated in the project area.
- d) Adequate Rain Water Harvesting structures shall be created for water percolation and to harvest the rainwater to the maximum extent possible.
- e) The green belt should be developed with trees of native species of coastal areas.
- f) The Unit shall provide adequate common sewage treatment plant along with conveyance arrangements to transport sewage from residence to sewage treatment plant for the treatment and disposal of sewage generated from the residential houses and the treated sewage is utilized for gardening purposes.
- g) The STP should be erected outside CRZ area.
- h) The unit shall provide solid waste management disposal facility for the collection, transportation, treatment and disposal of Municipal Solid waste generated from the residential houses in scientific manner.
- i) The unit shall ensure that there shall not be any discharge of treated / untreated sewage and municipal solid waste into outside of the premises and nearby sea.


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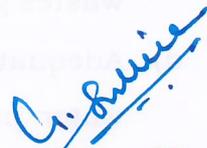

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It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to pass appropriate orders as this Hon'ble Tribunal may deem fit and thus render justice.

Solemnly affirmed at Chennai
This the 20th day of December 2021
and Signed his name in presence


MEMBER SECRETARY,
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BEFORE ME


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